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EXAMINER
SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/480,011	JERDING ET AL.
	Examiner	Art Unit	
	James Sheleheda	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-35* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 20, 21, 23-26, 28-30 and 32-35 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Matthews, III (Matthews) (5,874,985) (of record) in view of

Hendricks et al. (Hendricks) (5,600,573) (of record).

As to claim 20, while Matthews discloses a system for providing customizable

messages over a television system to a communications terminal for presentation to a

user (Fig. 1; column 1, lines 9-12), comprising:

a multimedia messaging server (Fig. 1; service and application server 202a) that

receives (based on decisions of an operator; column 2, lines 67-65, column 3, lines 1-5

and column 7, lines 35-39) at least one message configuration (column 6, lines 14-21)

and associates message content (column 6, lines 21-25 and column 7, lines 35-39) for

presentation to a user according to the at least one message configuration (column 6,

lines 48-53) and generates a request according to the at least one message

configuration (column 6, lines 30-37), the request including the message content and a

message configuration expression (column 6, lines 12-18) for delivery over a television

system to the communications terminal associated with the user (column 6, lines 30-37), wherein the multimedia messaging server is located in a headend (see Fig. 1); and

a multimedia messaging server (Fig. 1; service and application server 202a) that receives (based on decisions of an operator; column 2, lines 67-65, column 3, lines 1-5 and column 7, lines 35-39) a first and second message configuration (see Fig. 4A-4B; column 6, lines 14-21) and associates message content (column 6, lines 21-25 and column 7, lines 35-39) for presentation to a user according to the at least one message configuration (column 6, lines 48-53) and generates a request according to the at least one message configuration (column 6, lines 30-37), the request including the message content and a message configuration expression (column 6, lines 12-18) for delivery over a television system to the communications terminal associated with the user (column 6, lines 30-37), wherein the multimedia messaging server is located in a headend (see Fig. 1), the multimedia messaging server being capable of managing the delivery of the request over the television system to the communications terminal (managing message content and delivery; column 7, lines 35-39 and column 5, lines 44-48); and

a multimedia messaging client (Fig. 1; controller 20) that receives the request (column 6, lines 44-47) and associates the message content and the message configuration for presentation of the message content according to the message configuration (column 6, lines 44-53), the multimedia messaging server being capable of managing the delivery of the request over the television system to the communications terminal (managing message content and delivery; column 7, lines 35-

39 and column 5, lines 44-48), he fails to specifically disclose at least one applications

server that generates at least one message configuration, each application server being

capable of providing interactive services to a communications terminal to communicate

over the television system, wherein the at least one application server and the

multimedia messaging server are located in the headend, the multimedia messaging

server being capable of managing the delivery of the request over the television system

to the communications terminal, thereby conserving system bandwidth.

In an analogous art, Hendricks discloses a digital television distribution system

(Fig. 1; column 3, lines 15-43) including a headend (Fig. 2, operations center, 202)

which utilizes an application server (Fig. 2; computer assisted packaging, 316) capable

of providing interactive services to a communications terminal to communicate over the

television system (Fig. 6; column 15, line 47-column 16, line 3) which will generate

message configurations (templates; column 18, lines 1-18) stored in a database (336;

column 15, lines 53-56 and column 18, lines 1-18) which are transmitted to a multimedia

messaging server (output equipment, 320; column 20, lines 25-49) which manages the

delivery of the messages (column 8, lines 40-54 and column 20, lines 25-49), thereby

conserving system bandwidth (by compressing all of the content before transmission;

column 8, lines 40-54) for the typical benefit of allowing the creation and customization

of new configurations as desired (column 17, lines 1-5, 19-27 and column 18, lines 1-

38).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Matthew's system to include at least one applications

server that generates at least one message configuration, each application server being

capable of providing interactive services to a communications terminal to communicate

over the television system, wherein the at least one application server and the

multimedia messaging server are located in the headend, the multimedia messaging

server being capable of managing the delivery of the request over the television system

to the communications terminal, thereby conserving system bandwidth, as taught by

Hendricks, for the typical benefit of providing a means for the system to update and

customize configuration information, as desired.

As to claim 21, Matthews and Hendricks disclose wherein the message

configuration expression comprises a location reference (identifying the message format

in memory the set top is to retrieve; see Matthews at column 5, lines 60-67 and column

6, lines 44-47) that is utilized by the multimedia messaging client in retrieving the

message configuration for use in presenting the message content by the

communications terminal (see Matthews at column 6, lines 44-46).

As to claim 23, Matthews and Hendricks disclose a database of message

configurations (see Hendricks at column 15, lines 53-56 and column 18, lines 1-18), the

database accessible by the multimedia messaging server (see Hendricks at Fig. 2).

As to claim 24, Matthews and Hendricks disclose wherein the multimedia

messaging client (see Matthews at Fig. 2; controller 20) includes a client application

(graphics subsystem, 72) and a configuration manager (CPU, 66), wherein the configuration manager provides the client application (see Matthews at column 6, lines 44-46 and column 4, lines 48-52) with the message configuration associated with the message content (see Matthews at column 5, lines 60-67 and column 6, lines 1-5).

As to claim 25, while Matthews discloses a system for delivery of multimedia messages, comprising:

a multimedia messaging server (service and application servers, 202a) which generates a request (column 7, lines 35-39) that comprises message content (the message of text, audio or video; column 6, lines 14-25 and column 7, lines 35-39) and a message configuration expression (message format; column 6, lines 14-18) for delivery over a television system to a communications terminal associated with a user (Fig. 1; column 6, lines 12-14), wherein the multimedia messaging servers is located in a headend (see Fig. 1), the multimedia messaging server being capable of managing the delivery of the request over the television system to the communications terminal (managing message content and delivery; column 7, lines 35-39 and column 5, lines 44-48), he fails to specifically disclose at least one applications server that generates message content and a database of predefined message configurations, each application server being capable of providing interactive services to a communications terminal to communicate over the television system, wherein the at least one application server and the multimedia messaging server are located in the headend, the multimedia messaging server being capable of managing the delivery of the request over the

television system to the communications terminal, thereby conserving system

bandwidth.

In an analogous art, Hendricks discloses a digital television distribution system

(Fig. 1; column 3, lines 15-43) including a headend (Fig. 2, operations center, 202)

which utilizes an application server (Fig. 2; computer assisted packaging, 316) capable

of providing interactive services to a communications terminal to communicate over the

television system (Fig. 6; column 15, line 47-column 16, line 3) which will generate

message configurations (templates; column 18, lines 1-18) stored in a database (336;

column 15, lines 53-56 and column 18, lines 1-18) and message content (column 18,

lines 1-38) which are transmitted to a multimedia messaging server (output equipment,

320; column 20, lines 25-49) which manages the delivery of the messages (column 8,

lines 40-54 and column 20, lines 25-49), thereby conserving system bandwidth (by

compressing all of the content before transmission; column 8, lines 40-54) for the typical

benefit of allowing the creation and customization of new configurations as desired

(column 17, lines 1-5, 19-27 and column 18, lines 1-38).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Matthew's system to include at least one applications

server that generates message content and a database of predefined message

configurations, each application server being capable of providing interactive services to

a communications terminal to communicate over the television system, wherein the at

least one application server and the multimedia messaging server are located in the

headend, the multimedia messaging server being capable of managing the delivery of

the request over the television system to the communications terminal, thereby

conserving system bandwidth, as taught by Hendricks, for the typical benefit of

providing a means for the system to update and customize configuration information, as

desired.

As to claim 26, Matthews and Hendricks disclose wherein the message

configuration expression comprises a location reference (identifying the message format

in memory the set top is to retrieve; see Matthews at column 5, lines 60-67 and column

6, lines 44-47).

As to claim 28, Matthews discloses a method for receiving customizable

multimedia messages over a television system at a communications terminal for

presentation to a user (column 1, lines 9-12), comprising:

creating application independent message application requests for presenting a

first message content and a second message content (Figs. 4A and 4B; column 6, lines

48-53 and lines 21-25) to messaging client software of the communications terminal

associated to the user (column 6, lines 12-15) according to a first message

configuration and a second message configuration, respectively (Figs. 4A and 4B;

column 6, lines 48-53 and lines 14-21), the message activation requests being delivered

over a television system for processing by the messaging client software at the

communications terminal associated with the user (column 6, lines 12-28 and lines 43-

54);

managing the delivery of the requests over the television system to the

communications terminal (managing message content and delivery; column 7, lines 35-

39 and column 5, lines 44-48); and

sending the message activation requests from the multimedia messaging server

to the communications terminal over the television system (column 6, lines 12-28).

While Blahut discloses wherein the first message configuration is different from

the second message configuration (Figs. 4A and 4B; column 6, lines 48-53 and lines

14-21), he fails to specifically disclose creating the message configurations by a first

and second application server, each application server being capable of providing

interactive services that enable the communications terminal to communicate over the

television system, sending the plurality of message configurations from the plurality of

application servers to the multimedia messaging server and receiving the plurality of

message configurations at the multimedia messaging server, the multimedia messaging

server being capable of managing the delivery of the request over the television system

to the communications terminal, thereby conserving system bandwidth.

In an analogous art, Hendricks discloses a digital television distribution system

(Fig. 1; column 3, lines 15-43) including a plurality of headends (Fig. 2, operations

center, 202; column 8, line 66-column 9, line 9) each utilizing an application server (Fig.

2; computer assisted packaging, 316) capable of providing interactive services to a

communications terminal to communicate over the television system (Fig. 6; column 15,

line 47-column 16, line 3) which will generate message configurations (templates;

column 18, lines 1-18) stored in a database (336; column 15, lines 53-56 and column

18, lines 1-18) and message content (column 18, lines 1-38) which are transmitted to a

multimedia messaging server (output equipment, 320; column 20, lines 25-49) which

manages the delivery of the messages (column 8, lines 40-54 and column 20, lines 25-

49), thereby conserving system bandwidth (by compressing all of the content before

transmission; column 8, lines 40-54) for the typical benefit of allowing the creation and

customization of new configurations as desired (column 17, lines 1-5, 19-27 and column

18, lines 1-38).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Matthew's system to include creating the message

configurations by a first and second application server, each application server being

capable of providing interactive services that enable the communications terminal to

communicate over the television system, sending the plurality of message

configurations from the plurality of application servers to the multimedia messaging

server and receiving the plurality of message configurations at the multimedia

messaging server, the multimedia messaging server being capable of managing the

delivery of the request over the television system to the communications terminal,

thereby conserving system bandwidth, as taught by Hendricks, for the typical benefit of

providing a means for the system to update and customize configuration information, as

desired.

As to claim 29, Matthews and Hendricks disclose wherein the message activation requests comprise a first message content expression and a second message content expression (see Matthews at Figs. 4A-B and column 6, lines 48-53 and lines 21-25).

As to claim 30, Matthews and Hendricks disclose wherein the first message content expression comprises the first message content (the message of text, audio or video; see Matthews at column 6, lines 14-25) and wherein the second message content expression comprises the second message content (the message of text, audio or video; see Matthews at Figs. 4A-B and column 6, lines 14-25).

As to claim 32, Matthews and Hendricks disclose wherein the message activation requests include textual content as to at least a portion of the first message content expression and the second message content expression (see Matthews at Figs. 4A-B and column 6, lines 14-25).

As to claims 33 and 34, Matthews and Hendricks disclose wherein the message activation requests include audio content as at least a portion of the first message content expression and the second message content expression (see Matthews at column 6, lines 14-25).

As to claim 35, Matthews and Hendricks disclose wherein the message activation

requests includes include message content consisting of ticker tape (see Matthews at

Fig. 4B, column 5, lines 30-35).

3.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Matthews and Hendricks, as applied to claim 28 above, and further in view of Tanaka

(US 2003/0115600 A1).

As to claim 31, while Matthews and Hendricks disclose delivering the first

message content, they fail to specifically disclose delivering the first content from a

location reference.

In an analogous art, Tanaka discloses a television broadcast system (Fig. 1)

wherein detailed information relating to a program or other data (paragraph 142, lines 1-

8) is retrieved from a remote server based upon address information transmitted to the

receiver (paragraph 9 and paragraph 10, lines 4-10), for the advantage of allowing the

use of a receiver without an large storage means (paragraph 8 and paragraph 11).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Matthews' system to include delivering the first content

from a location reference, as taught by Tanaka, for the advantage of allowing the use of

a receiver without an large storage means in the current message transmission system.

4.   Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Matthews in view of Hendricks and Tanaka.

As to claim 13, while Matthews discloses a method for receiving customizable multimedia messages over a television system at a communications terminal for presentation to a user (column 1, lines 9-12), comprising:

configuring at a multimedia messaging server (application servers, 202a controlling messaging in control node, 12; column 6, lines 12-25, column 5, lines 44-55 and column 7, lines 26-39) a plurality of different message requests (Figs. 4A and 4B; column 5, lines 10-22 and lines 36-43 and column 6, lines 48-53) with respective message content expressions (Figs. 4A and 4B; column 6, lines 48-53 and lines 21-25) and respective message configuration expressions (Figs. 4A and 4B; column 6, lines 48-53 and lines 14-21), the plurality of different message requests being associated with the plurality of message configurations (Figs. 4A and 4B; column 6, lines 48-53 and lines 14-21), the multimedia messaging server being capable of managing the delivery of the requests over the television system to the communications terminal (managing message content and delivery; column 7, lines 35-39 and column 5, lines 44-48),

configuring a first type of expression to correspond to including in a message request a location reference to retrieve message information (identifying the corresponding message format in memory the set top is to retrieve; column 5, lines 60-67 and column 6, lines 14-18 and lines 44-47);

configuring a second type of expression to correspond to including in a message request message information (containing the message of text, audio or video; column 6, lines 14-25);

receiving at a communication terminal (column 6, lines 12-15) from a multimedia

messaging server (application servers, 202a controlling messaging in control node, 12;

column 6, lines 12-15 and column 7, lines 26-39) a first message request including a

first message content expression (the message of text, audio or video; column 6, lines

14-25) and a first message configuration expression (message format indicator; column

6, lines 14-18);

responsive to receiving the first message request (column 6, lines 30-37),

presenting a first message to a user (column 6, lines 48-53) according to the first

message content expression (column 6, lines 48-53 and lines 21-25) and the first

message configuration expression (column 6, lines 48-53 and lines 14-21);

receiving at the communications terminal (column 6, lines 12-15) from the

multimedia messaging server (application servers, 202a controlling messaging in

control node, 12; column 6, lines 12-15 and column 7, lines 26-39) a second message

request (Figs. 4A and 4B; column 5, lines 10-22 and lines 36-43) including a second

message content expression (the message of text, audio or video; Figs. 4A and 4B;

column 6, lines 14-25) and a second message configuration expression (message

format indicator; Figs. 4A and 4B; column 6, lines 14-18 and lines 10-22); and

responsive to receiving the second message request (Figs. 4A and 4B; column 6,

lines 30-37), presenting a second message to a user (Figs. 4A and 4B; column 5, lines

10-22 and lines 36-43 and column 6, lines 48-53) according to the second message

content expression (Figs. 4A and 4B; column 6, lines 48-53 and lines 21-25) and the

second message configuration expression (Figs. 4A and 4B; column 6, lines 48-53 and

lines 14-21), wherein the second message request includes at least one type of

expression different than the type of expressions in the first message request

(indications of different format types to utilize; Figs. 4A and 4B; column 5, lines 10-35

and column 6, lines 14-21), he fails to specifically disclose creating a plurality of

message configurations corresponding to different message services having different

predefined predefined formats by a plurality of application servers, each application

server being capable of providing interactive services that enable the communications

terminal to communicate over the television system, sending the plurality of message

configurations from the plurality of application servers to a multimedia messaging

server, receiving the plurality of message configurations at the multimedia messaging

server, the multimedia messaging server being capable of managing the delivery of the

request over the television system to the communications terminal, thereby conserving

system bandwidth and retrieving message information from a location remote from a

communication terminal.

In an analogous art, Hendricks discloses a digital television distribution system

(Fig. 1; column 3, lines 15-43) including a plurality of headends (Fig. 2, operations

center, 202; column 8, line 66-column 9, line 9) each utilizing an application server (Fig.

2; computer assisted packaging, 316) capable of providing interactive services to a

communications terminal to communicate over the television system (Fig. 6; column 15,

line 47-column 16, line 3) which will generate message configurations (templates;

column 18, lines 1-18) stored in a database (336; column 15, lines 53-56 and column

18, lines 1-18) and message content (column 18, lines 1-38) which are transmitted to a

multimedia messaging server (output equipment, 320; column 20, lines 25-49) which

manages the delivery of the messages (column 8, lines 40-54 and column 20, lines 25-

49), thereby conserving system bandwidth (by compressing all of the content before

transmission; column 8, lines 40-54) for the typical benefit of allowing the creation and

customization of new configurations as desired (column 17, lines 1-5, 19-27 and column

18, lines 1-38).

Additionally, in an analogous art, Tanaka discloses a television broadcast system

(Fig. 1) wherein detailed information relating to a program or other data (paragraph 142,

lines 1-8) is retrieved from a remote server based upon address information transmitted

to the receiver (paragraph 9 and paragraph 10, lines 4-10), for the advantage of

allowing the use of a receiver without an large storage means (paragraph 8 and

paragraph 11).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Matthew's system to include creating a plurality of

message configurations corresponding to different message services having different

predefined formats by a plurality of application servers, each application server being

capable of providing interactive services that enable the communications terminal to

communicate over the television system, sending the plurality of message

configurations from the plurality of application servers to a multimedia messaging

server, receiving the plurality of message configurations at the multimedia messaging

server, the multimedia messaging server being capable of managing the delivery of the

request over the television system to the communications terminal, thereby conserving

system bandwidth, as taught by Hendricks, for the typical benefit of providing a means

for the system to update and customize configuration information, as desired.

Additionally, it would have been obvious to one of ordinary skill in the art at the

time of invention by applicant to modify Matthews' system to include retrieving the

message configuration from a remote location, as taught by Tanaka, for the advantage

of allowing the use of a receiver without an large storage means in the current message

transmission system.

As to claim 14, Matthews, Hendricks and Tanaka disclose retrieving the message

configuration utilizing the first message configuration expression, wherein the first

message configuration expression corresponds to the first type of expression

(identifying the message format in memory the set top is to retrieve; see Matthews at

column 5, lines 60-67 and column 6, lines 44-47 and Tanaka at paragraph 9 and

paragraph 10, lines 4-10).

As to claim 15, Matthews, Hendricks and Tanaka disclose wherein the step of

presenting a first message includes presenting a message content according to the first

message content expression (the message of text, audio or video; see Matthews at

column 6, lines 14-25) and the first message configuration expression (message format

indicator; see Matthews at column 6, lines 14-18), wherein the first message

configuration expression corresponds to the second type of expression (message

format indicator; see Matthews at column 6, lines 14-18).

As to claim 16, Matthews, Hendricks and Tanaka disclose wherein the second message configuration expression corresponds to the first type of expression (indicating the message format to be retrieved; see Matthews at column 6, lines 14-18 and Tanaka at paragraph 9 and paragraph 10, lines 4-10).

As to claim 17, Matthews, Hendricks and Tanaka disclose wherein the first message content expression (the message of text, audio or video; see Matthews at column 6, lines 14-25) corresponds to the first type of expression (remotely downloading content based upon address information; see Tanaka at paragraph 9 and paragraph 10, lines 4-10).

As to claim 18, Matthews, Hendricks and Tanaka disclose wherein the first message content expression corresponds to the second type of expression (the message of text, audio or video; see Matthews at column 6, lines 14-25).

As to claim 19, while Matthews, Hendricks and Tanaka disclose a content configuration expression in a message request, they fail to specifically disclose wherein an absence of a message configuration expression corresponds to a default message configuration.

The Examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a default in the absence of a specific signal,

whereby the system is to assume the default unless told otherwise, for the typical

benefit of allowing the receiver to quickly process incoming messages by using the most

common default setting in the absence of any other corresponding command.

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Matthews, Hendricks and Tanaka's system to include

wherein an absence of a message configuration expression corresponds to a default

message configuration for the typical benefit of allowing the receiver to quickly process

incoming messages by using the most common default setting in the absence of any

other corresponding command.

5.   Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Matthews and Hendricks as applied to claim 20 above, and further in view of

Jennings (5,781,186) (of record).

As to claims 22 and 27, while Matthews and Hendricks disclose a message

configuration expression for use in presenting the message content by the

communication terminal, he fails to specifically disclose wherein the message

configuration expression comprises the message configuration.

In an analogous art, Jennings discloses a multimedia messaging system (Fig. 1;

column 1, lines 7-8) wherein the presentation of messages is determined by

presentation components contained within the message itself (column 1, lines 63-67

and column 2, lines 1-4) for the advantage of enabling a message to specify exactly

how it should be presented without the need for any additional programming or

equipment (column 2, lines 25-40).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Matthews and Hendricks system to include wherein the

message configuration expression comprises the message configuration, as taught by

Jennings, for the advantage of enabling a message to specify exactly how it should be

presented without the need for any additional programming or equipment to be

incorporated into the existing messaging system.

Response to Arguments

6.   Applicant's arguments filed 8/16/06 have been fully considered but they are not

persuasive.

a.   On pages 13 and 14, of applicant's response, applicant argues that the

operations center, 202, of Hendricks is not a headend.

In response, applicant is directed to the provided IEEE dictionary definition

of headend, "The central location that has access to signals traveling in both

inbound and outbound directions." (IEEE 100, The Authoritative Dictionary of

IEEE Standard Terms, Seventh Edition, page 508). The operations center of

Hendricks, as seen in Fig. 1, clearly qualifies as a "headend", as it is the central

location receiving programming for transmission downstream to the plurality of

cable headends and receiving upstream communications from the plurality of

cable headends. The mere fact that Hendricks has given the operations center a

different label does not change the fact that it clearly meets the definition of a

headend. Thus, applicant's arguments are not persuasive.

b.   In response to applicant's argument on page 15, see (a) above detailing

the status of the operations center, 202, as a "headend".

c.   On pages 16 and 17, applicant states that the amendments to claim 28

overcome the combination of Matthews and Hendricks, as previously applied.

In response, it is noted that applicant has provided no actual rationale as

to how the amendments overcome the rejection of record. Furthermore, as

indicated in the rejections above, Matthews and Hendricks clearly read upon the

newly amended material, as Matthews specifically discloses the use of multiple

messages, each with different configurations and content.

d.   On pages 18 and 19, applicant states that the amendments to claim 13

overcome the combination of Matthews and Hendricks, as previously applied.

In response, it is noted that applicant has provided no actual rationale as

to how the amendments overcome the rejection of record. Furthermore, as

indicated in the rejections above, Matthews and Hendricks clearly read upon the

newly amended material, as Matthews specifically discloses the use of multiple

messages, each with different configurations and content.

e.   On page 19, applicant argues that one would not combine Matthews and

Hendricks, due to the disparity of systems and approaches, and more

specifically, that Matthews focuses on "message" delivery, while Hendricks

focuses on organizing and package cable television programming.

In response, Matthews discloses a *broadcast cable television system*

which provides for message delivery and display (see Matthews at Fig. 1 and

column 2, lines 28-64). Hendricks discloses a *broadcast cable television system*

(see Fig. 1; column 5, lines 26-50) which specifically includes transmitting

message content to subscribers (textual displays on the screen; column 17, lines

25-48 and column 18, lines 1-18). As both references clearly disclose cable

television systems which provide for providing messages to subscribers,

applicant's arguments are not persuasive.

f.   On pages 19 and 20, applicant argues that Tanaka cannot be combined

with Matthews, as Tanaka discloses retrieving message configurations from a

remote location, and Matthews discloses storing the message configurations

locally.

In response, as seen in column 5, lines 60-67 of Matthews, cited by

applicant, it is noted that Matthews discloses storing message formats in the

local receiver to allow *messages* to be transmitted with minimal *message format

information*. Thus, Matthews is disclosing wherein the messages can be sent

from the headend utilizing less cable bandwidth.

Tanaka, however, discloses wherein the additional information is retrieved from a separate *Internet* connection, so as to eliminate the need for a larger memory in the receiver for storing data. Tanaka's system can clearly be combined with Matthews, as the messages transmitted from the *headend* can still be sent with *minimal* message format information. The message format information retrieved as needed from the Internet, thus eliminating the need for a larger memory in the receiver. Thus, applicant's arguments are not persuasive.

g.   On pages 20 and 21, applicant argues that the Official Notice does not adequately address the limitations of claim 19.

In response, claim 19 calls for "configuring a third type of expression to correspond to a default message configuration according to the absence of a message configuration expression in a message request." Thus, as indicated by the previous rejection, a message request, indicating message content to be displayed, is transmitted without any specific format data. The receiver, in response to receiving the message content, would simply utilize a "default" configuration, as no specific or new format has been indicated. The "third configuration" consists of message content with no associated message format.

h.   On page 21, applicant argues that the "issue of patentability" has been confused by the examiner's assertion that the limitation of claim 19 is notoriously well known, and by asserting that the limitation is taught by Hendricks.

In response, it is unclear as to how applicant feels that indicating that a reference of record shows a feature is well known confuses the "issue of patentability." It appears that applicant has incorrectly read the previous action and mixed up the references. The current *rejection* of claim 19 is under Hendricks (5,600,573). The reference indicated as disclosing the well known feature of claim 19 is Hendricks (5,559,549).

i.   In response to applicant's arguments on pages 21-26, it is once again noted that applicant's traversals of the Official Notices were not adequate. As the prior office actions clearly indicated what limitations were considered well known, and in what fashion they would be combined with the references of record. Applicant's statement that all of the Official Notices lack "specific factual findings predicated on sound technical and scientific reasoning" is not adequate as applicant has merely provided a generic opinion, without specifically pointing out any error in the action. No actual error or reasoning was ever provided as to what applicant considers in error. Applicant's statement that all of the Official Notices cover features that are "too complex and detailed to be supportable as well-known in the combinations claimed" is not adequate as applicant has once again merely provided a generic opinion, without specifically pointing out any error in the action. No actual error or reasoning was ever provided as to what applicant considers in error or why the noticed fact is not considered to be common knowledge or well-known in the art.

j.   Furthermore, the examiner is confused as to why applicant continues to request references supporting the Official Notices, as *applicant has already been provided* with references supporting all of the Official Notices currently relied upon. Applicant is directed to the prior office action which clearly laid out a reference supporting each Official Notice.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8.   The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JS

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